

REMARKS

The Application has been reviewed in light of the Office Action mailed September 8, 2004. At the time of the Office Action, Claims 44-63 were pending. Claims 1-43 were previously cancelled by Applicants. Claims 44-63 are rejected. Applicants amend Claims 44, 49, 52-54, 58-59 and 62 and respectfully request reconsideration and favorable action in this case.

Rejections under 35 U.S.C. §112

Claims 44, 53, and 58 were rejected by the Examiner under 35 U.S.C. §112, second paragraph, as being indefinite and failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants amend Claims 44, 53 and 58 to overcome these rejections.

Claims 44, 53 and 58 have been rejected for use of the phrase “may be”, which the Examiner alleges renders the claims indefinite because the claims may include elements not actually disclosed.

Applicants have amended Claims 44, 53 and 58 to eliminate the use of the phrase “may be” and instead to incorporate the “reusable” in describing the pertinent components. Applicants believe the scope of the claims, as amended, is clear. The claims all relate to methods, not computer systems. The methods focus on comparing hardware or selecting an optimal amount for a transaction. The relevant function in these methods is to determine whether or not a component of an existing hardware configuration is reusable in a new hardware configuration. The determination of that particular property of the component, whether or not it is reusable, is significant to the claimed method. Whether or not the component is actually reused is not relevant to the claims.

Claim 58 has also been rejected as indefinite for use of the phrase “with or without”. Applicants have amended Claim 58 to read “with and without”, which clearly indicates that two separate sets of calculations are performed, one in which a reusable component is reused and one in which it is not. These two calculations are then compared to determine the lowest transaction amount.

Finally, Claim 58 has been rejected for lack of written description of how to determine the prices of the old computer system with and without the reusable component

and the prices of the new computer system with and without the reusable component. Applicants believe the specification describes in numerous places how to calculate these prices.

First, a general description of how to make and compare calculations of the type claimed in Claim 58 is provided in Figure 8 and its accompanying description in the specification (page 14, line 17 to page 16, line 6). Specifically, at page 15, lines 11-14, the specification indicates that “the component optimizer process receives used computer prices from street price database 350 for components with similar configurations as the old computer system and also receives prices for new components from the manufacturer stores in new component price database 840.” Other descriptions of how to obtain prices may be found at page 6, line 26 to page 7, line 13; page 8, line 2 to page 8, line 24; and page 12, line 19 to page 13, line 4. Applicants assert that these and other pricing mechanisms known to the art may be used to determine the prices of the old and new computer systems with and without the reusable components as required in Claim 58.

Rejections under 35 U.S.C. §102

Claims 44-63 were rejected by the Examiner under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 6,170,056 issued to Robert J. Sidie (“Sidie”). Applicants respectfully traverse and submit that, while Sidie may present an example of how to gather configuration data for an existing hardware system and transmit such information over a network, it does nothing further than this.

Specifically, Sidie provides “a method to perform BIOS scanning and identification code comparison in an efficient, non-intrusive way that can be used by single users and large companies to inventory their computers and prepare for software upgrades and the impending year 2000 issues.” (col. 2, lines 59-63). To accomplish this, Sidie provides a method of BIOS scanning in which the information gathered is compared to an existing database of personal computer information (col. 3, lines 9-16, particularly lines 13-16). This database, in the embodiments specifically described, includes a table correlating BIOS information with component model and manufacturer information.

While col. 3, line 35-col. 4, line 34 does discuss obtaining configuration data over a network, such data is not for a new computer system, rather it is for the existing computer system. Specifically, this portion of Sidie cited by the examiner discusses how identification

strings are obtained from a computer's BIOS then compared with a table of known manufacturer and model information. It also describes how manufacturer and model information may be obtained for unknown strings, thus adding to the database. The cited section in no way indicates that any new computer system is involved. In fact, obtaining information about a new computer system would not in any way further the purpose of Sidie or of the cited section, which addresses how to keep an accurate log of existing computer equipment to facilitate software updates.

Similarly, col. 7, line 59-col. 8, line 60 also does not recite the step asserted by the Examiner. Specifically, this cited section of Sidie, while related to obtaining configuration data, focuses on doing so for only one existing computer configuration. It does not in any way provide for comparison to new configuration data. Rather, the cited section describes in detail how the BIOS code as scanned may be translated into a string that is then used to correlate it with manufacturer and model data contained in a table. This entire process relates only to determining an existing configuration and has nothing to do with changing it or comparing it with any other possible configurations.

Finally, col. 7, line 50-col. 10, line 26 and col. 4, line 18 does not discuss determining a list of components compatible with a new computer system. Like the rest of Sidie, these sections merely address making an accurate determination of the model and manufacturer of components of an existing configuration.

The lines cited specifically by the Examiner, col. 4, lines 18-20, "this expandability is essential to keep pace with the rapidly changing world of computers where upgrade occur often" do not include any indication that the existing computer system is to be changed and thus should be compared with a new system. As the preceding paragraph, col. 4 lines 7-17 and the remainder of the paragraph, col. 4, lines 20-28 clearly indicate, the "expandability" referenced relates to the table correlating BIOS information with the model and manufacturer of the components. Col. 4, lines 7-28 taken as a whole provide a description of how the table may be updated when unknown BIOS information is encountered by physically examining the machine in question to determine the relevant make and manufacturer of an unknown component then entering that information into the table.

While the cited sentence does indicate that computer may be upgraded, it does not indicate that the computer undergoing scrutiny of its configuration is going to be upgraded or that anything relating to a hardware upgrade is taking place. Rather, the reference to

upgrades provides a basis for why it is important to have an expandable table correlating BIOS information and component model and manufacturer. The computer may have been previously upgraded and it is beneficial to be able to easily add the new component information to the table.

Similarly, col. 7, line 50- col. 10, line 26 describes the overall process of Sidie for obtaining BIOS information regarding components and BIOS version, turning this information into usable strings, comparing the strings to a table of known model and manufacturer information, and providing a list of components in the computer system queried. The description also relates to methods of updating the table correlating BIOS information with component model and manufacturer information. It does not in any way describe any methods whatsoever of comparing two computer systems and determining whether a component may be reused.

In summary, while Sidie may well describe one of many possible methods for determining the configuration of a computer system and sending such information over a network, that is all it does. Claims 44-63 all require many more steps than a simple determination of a configuration. Rather, these claims all require comparison with a new configuration to locate reusable parts. Such a process is far more complicated than simply determining a static configuration for one existing computer. Sidie in no way discloses, teaches or suggest any comparisons with a new hardware system and certainly does not address reusability of any components in a new system. Given that the primary purpose of Sidie is to obtain an accurate listing of what is in a computer to allow for software upgrades, changing components of the system would actually make that goal more difficult. Accordingly, Applicants believe Sidie fails to anticipate Claims 44-63 for the reasons described in detail above.

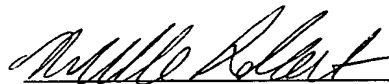
CONCLUSION

For the foregoing reasons, Applicants request that Claims 44-63, as amended, be allowed. Early and favorable acceptance of this application is respectfully requested.

Applicants believe no fees are due, however, should any fees be due the Commissioner is hereby authorized to charge any fees to Deposit Account No. 02-0383 of Baker Botts L.L.P.

Respectfully submitted,

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